

(LIMITED RUN SHOWING ALL ADDITIONAL SPONSORSHIPS)

SENATE CS FOR CS FOR HOUSE BILL NO. 258(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 5/2/06

Referred: Rules

Sponsor(s): REPRESENTATIVES LYNN, Neuman, Kelly, Gardner

SENATOR Dyson

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to sexual abuse of a minor in the second degree and to aggravating**
2 **factors at sentencing for sexual assault and sexual abuse."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 11.41.436(a), as amended by sec. 1, HCS CSSB 218(FIN), Twenty-Fourth
5 Alaska State Legislature, is amended to read:

6 (a) An offender commits the crime of sexual abuse of a minor in the second
7 degree if,

8 (1) being 17 years of age or older, the offender engages in sexual
9 penetration with a person who is 13, 14, or 15 years of age and at least four years
10 younger than the offender, or aids, induces, causes, or encourages a person who is 13,
11 14, or 15 years of age and at least four years younger than the offender to engage in
12 sexual penetration with another person;

13 (2) being 16 years of age or older, the offender engages in sexual
14 contact with a person who is under 13 years of age or aids, induces, causes, or

encourages a person under 13 years of age to engage in sexual contact with another person;

(3) being 18 years of age or older, the offender engages in sexual contact with a person who is under 18 years of age, and the offender is the victim's natural parent, stepparent, adopted parent, or legal guardian;

(4) being 16 years of age or older, the offender aids, induces, causes, or encourages a person who is under 16 years of age to engage in conduct described in AS 11.41.455(a)(2) - (6);

(5) being 18 years of age or older, the offender engages in sexual contact with a person who is under 16 years of age, and

(A) the victim at the time of the offense is residing in the same household as the offender and the offender has authority over the victim; or

(B) the offender occupies a position of authority in relation to the victim;

(6) being **18** [20] years of age or older, the offender engages in sexual penetration with a person who is 16 or 17 years of age and at least **three** [FOUR] years younger than the offender, and the offender occupies a position of authority in relation to the victim; or

(7) being under 16 years of age, the offender engages in sexual penetration with a person who is under 13 years of age and at least three years younger than the offender.

*** Sec. 2.** AS 12.55.155(c) is amended by adding a new paragraph to read:

(33) the offense was a felony specified in AS 11.41.410 - 11.41.455, the defendant had been previously diagnosed as having or having tested positive for HIV or AIDS, and the offense either (A) involved penetration, or (B) exposed the victim to a risk or a fear that the offense could result in the transmission of HIV or AIDS; in this paragraph, "HIV" and "AIDS" have the meanings given in AS 18.15.310.

*** Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. This Act applies to offenses occurring on or after the effective date

1 of this Act.